



Council of the
European Union

042526/EU XXVI. GP
Eingelangt am 14/11/18

Brussels, 14 November 2018
(OR. en)

14308/18

CLIMA 221
ENV 768
TRANS 549
MI 848
DELECT 149

COVER NOTE

From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 13 November 2018

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of
the European Union

No. Cion doc.: C(2018) 7391 final

Subject: COMMISSION DELEGATED REGULATION (EU) .../... of 13.11.2018
correcting Regulation (EU) No 63/2011 laying down detailed provisions for
the application for a derogation from the specific CO₂ emission targets
pursuant to Article 11 of Regulation (EC) No 443/2009 of the European
Parliament and of the Council

Delegations will find attached document C(2018) 7391 final.

Encl.: C(2018) 7391 final



Brussels, 13.11.2018
C(2018) 7391 final

COMMISSION DELEGATED REGULATION (EU) .../...

of 13.11.2018

correcting Regulation (EU) No 63/2011 laying down detailed provisions for the application for a derogation from the specific CO₂ emission targets pursuant to Article 11 of Regulation (EC) No 443/2009 of the European Parliament and of the Council

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

An error has been identified in the average specific CO₂ emissions of General Motors in 2007, indicated in Annex IV to Commission Delegated Regulation (EU) No 63/2011, following the change in ownership of General Motors on 1 August 2017.

The Commission has assessed the evidence provided by General Motors Holding LLC and verified that the average specific CO₂ emissions indicated in Annex IV (i.e. 159,604 g/km) are lower than the average specific CO₂ emissions of General Motors in 2007 (i.e. 283,689 g/km). For this reason, the Commission considers that it is appropriate to correct this value.

The legal basis for this proposal is Article 11(8) Regulation (EC) No 443/2009 that empowers the Commission to adopt delegated acts laying down rules as regards the content of derogation applications for the reduction of specific emissions of CO₂, including the average specific emissions of passenger cars registered in 2007.

In so far as the correction concerns only factual elements, the Commission has not sought assistance through consultations at expert level, nor has it carried out an impact assessment.

COMMISSION DELEGATED REGULATION (EU) .../...

of 13.11.2018

correcting Regulation (EU) No 63/2011 laying down detailed provisions for the application for a derogation from the specific CO₂ emission targets pursuant to Article 11 of Regulation (EC) No 443/2009 of the European Parliament and of the Council

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 443/2009 of the European Parliament and of the Council of 23 April 2009 setting emission performance standards for new passenger cars as part of the Community's integrated approach to reduce CO₂ emissions from light-duty vehicles¹, and in particular Article 11(8) thereof,

Whereas:

- (1) The manufacturer of light-duty vehicles, General Motors Holding LLC, has informed the Commission that the average specific CO₂ emissions in 2007, specified for that manufacturer in Annex IV to Commission Regulation (EU) No 63/2011², are not correct.
- (2) The manufacturer has provided detailed evidence demonstrating that the average specific CO₂ emissions in 2007 were significantly higher than the value indicated in Regulation (EU) No 63/2011. That value was based on the specific CO₂ emissions of vehicles which incorrectly included those of Adam Opel AG, which at the time was connected to General Motors. Those specific CO₂ emissions of Adam Opel AG vehicles contributed to a lower average specific CO₂ emissions of General Motors in 2007. The error has become evident after the change in ownership of General Motors and Adam Opel, which took place on 1 August 2017.
- (3) The Commission considers that the evidence provided by General Motors Holding LLC proves the incorrectness of the average specific CO₂ emissions of that manufacturer in 2007 as indicated in Regulation (EU) No 63/2011.
- (4) Regulation (EU) No 63/2011 should therefore be corrected accordingly.

¹ OJ L 140, 5.6.2009, p. 1.

² Commission Regulation (EU) No 63/2011 of 26 January 2011 laying down detailed provisions for the application for a derogation from the specific CO₂ emission targets pursuant to Article 11 of Regulation (EC) No 443/2009 of the European Parliament and of the Council (OJ L 23, 27.1.2011, p. 16).

HAS ADOPTED THIS REGULATION:

Article 1

In the table in Annex IV to Regulation (EU) No 63/2011, in the column ‘Average emissions, [g/km]’, in the row relating to ‘General Motors’, the value ‘159,604’ is replaced by ‘283,689’.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 13.11.2018

For the Commission
The President
Jean-Claude JUNCKER